

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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PAULINO DE LA CRUZ *and* JUVENTINO RAMOS,

*Plaintiffs,*

16 CV 4382

-against-

TREJO LIQUORS, INC. *d/b/a* TREJO LIQUORS AND WINES  
*and* JOHANNY TREJO,

**DECLARATION OF  
WALKER G.  
HARMAN, JR.**

*Defendants.*  
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Pursuant to 28 U.S.C. § 1746, I, Walker G. Harman, Jr., an attorney admitted to practice in the United States District Court of the Southern District of New York, declare under penalty of perjury:

1. I am an attorney of record for Plaintiffs and commenced this action on their behalf. This Declaration is based upon my personal knowledge of the facts contained herein, as well as my knowledge as Plaintiffs' attorney.

2. I submit this Declaration in support of Plaintiffs' Opposition to Defendants' Motion to Dismiss the First Amended Complaint (the "Motion") and Plaintiffs' Cross Motion to Strike.

3. A true and correct copy of the First Amended Complaint is annexed hereto as Exhibit A.

4. On September 8, 2016, Defendants filed the Motion.

5. Upon reviewing the Motion, Plaintiffs' counsel noted numerous deficiencies.

6. On September 20, 2016, Plaintiffs' counsel wrote to Defendants' counsel explaining these deficiencies and declaring Plaintiffs' intention to seek sanctions if the motion was not withdrawn.

7. A true and correct copy of Plaintiffs' safe harbor letter (the "Safe Harbor Letter"), dated September 20, 2016, is annexed hereto as Exhibit B.

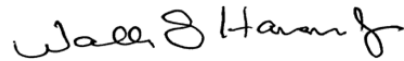
8. A true and correct copy of Plaintiffs' email to which the safe harbor letter was attached (the "Safe Harbor Email"), dated September 20, 2016, is annexed hereto as Exhibit C.

9. Defendants' counsel never responded to the Safe Harbor Letter or the Safe Harbor Email.

10. As such, Plaintiffs were required to oppose the Motion.

11. I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York  
September 29, 2016



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Walker G. Harman, Jr.